

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com*



Meeting Minutes - Final

Tuesday, June 18, 2019

9:00 AM

Commission Chambers

Board of County Commissioners

Bob Solari, Chairman, District 5

Susan Adams, Vice Chairman, District 1

Joseph E. Flescher, District 2

Peter D. O'Bryan, District 4

Tim Zorc, District 3

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

12.A.2. [19-0504](#) Consideration of Modifications to Regulations for Off-site Accessory Landscaping Services Uses in Agricultural Zoning Districts

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Consider the proposed draft ordinance, provide input to staff, and direct staff to initiate the formal land development regulation amendment process; and 2. Invoke the pending ordinance doctrine for the proposed draft ordinance during the formal adoption process.

Attachments: [Staff Report](#)
[Minutes from March 5, 2019 BCC Meeting](#)
[Voluntary Ag Exemption Acknowledgement Form](#)
[Comparison of County Nursery/Landscaping Serv in Ag](#)
[Agricultural Zoning Districts Comparison](#)
[Existing Landscape/Nursery Businesses in Ag](#)
[Proposed Draft Ordinance](#)

(Clerk's Note: The item was heard following the 1:00 p.m. time-certain Item 12.D.1., and is placed here for continuity.)

Through the use of a PowerPoint Presentation, Community Development Director Stan Boling provided a recap of the March 5, 2019 meeting when citizens Spencer Simmons and Tim Campbell addressed the Board with their concerns regarding Caribbean Lawn and Landscaping, a landscaping services business located at 7120 37th Street in an A-1 agricultural use zone. Director Boling explained that the consensus of the Board was for staff to research possible modifications to the Land Development Regulations (LDRs) to potentially balance agriculture and commercial business in agricultural areas.

In his presentation, Director Boling included the 2030 Indian River County Future Land Use Map and addressed land use conflicts, permitting procedures, and "accessory use" factors. Environmental Planning and Code Enforcement Chief Roland DeBlois offered an overview of the businesses in the A-1 agricultural zone. Director Boling pointed out that staff researched the existing and potential LDRs of Brevard, Martin, Osceola, St. Lucie and Palm Beach Counties, and provided the Board with a proposed draft ordinance that could be used as a pending ordinance during the formal LDR amendment process. He explained that if the Board declared the draft ordinance to be in effect during the formal code amendment process, it would apply to any newly established landscaping services business and any new expansion or changes to an existing business that is zoned in A-1, A-2 or A-3 agricultural areas.

Commissioner O'Bryan received clarification from Director Boling about mowing and trimming being listed as an accessory to a nursery business and inquired on the criteria of a legally established nursery.

Commissioner Zorc mentioned growing and harvesting in a facility, of which Director Boling categorized as a farm rather than a nursery where the plants are grown to be sold.

Commissioner Flescher noted reasons for not being supportive of adding restrictions to the current LDRs, and expressed his opinion regarding people who move into an area zoned for agriculture, and then complain about the activities surrounding them.

Vice Chairman Adams, who mentioned that she agreed with Commissioner Flescher, stated that the nursery employees sometimes do maintenance work for their customers.

Tim Campbell, 7330 37th Street, stated that he has lived at his address for 20 years, and provided his opinion of the inconvenience caused by the new business.

Amy Simmons, 7250 37th Street, responded to Commissioner Flescher's comment, and stated that she was not in favor of the language used in the proposed ordinance.

Ken Hendrix, 6220 1st Street SW, offered his opinion that the proposed ordinance would not solve the problem that had been presented to the Board, but was supportive of approving it on a pending basis to allow for a complete review of the LDRs.

Sandy Hall, 7080 57th Street, commented that she has had a registered nursery on her property for more than 20 years. She questioned the word "Accessory" as it is used in the proposed ordinance.

George Bartosch, 6420 37th Street, explained that he is the owner of Treasure Coast Turf and Trees, which is strictly a wholesale nursery located on seven (7) acres. Director Boling confirmed that Mr. Bartosch's business would be grandfathered in.

Jodi Velde, 330 53rd Circle, owner of Tropical Property Management, 6300 1st Street SW, provided her opinion that the proposed changes to the draft ordinance offered no protection for established business owners.

Peter Robinson, 315 Greytwig Road, stated his concern that all landscape company owners were not notified of the proposed ordinance, and that he felt more time was needed to research the future uses of agricultural land.

Vice Chairman Adams suggested that the Agriculture Advisory Committee (AAC) should look at the topic and provide feedback and recommendations. She clarified that the AAC's recommendations would go before the Planning and Zoning Board, allowing for public input, prior to returning to a future County Commission meeting, which will also allow for public input.

Discussion ensued amongst the Board and the County Attorney regarding the draft ordinance being approved as a pending ordinance while proceeding with the formal LDR amendment adoption process.

Brian Stolze, owner of Caribbean Lawn and Landscaping, 7120 37th Street, addressed the Board and responded to some of the comments that had been made. He explained his life-long residency of Vero Beach, his concern for the roads, the consideration towards the neighbors that he demands from his employees, and the time it will take to get his business where he wants it to be.

Todd Thompson, 7065 37th Street, spoke regarding the County approving Brian Stolze's building permit application, stamped in May 2018, and his opinion that Mr. Stolze did not comply with what he stated on his application. Mr. Thompson was in favor of the AAC providing feedback on the draft ordinance.

Chairman Solari suggested that anyone who had interest in the matter and wanted to stay involved/informed should provide Director Boling in Community Development with their name and email address.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to direct the Agriculture Advisory Committee to look at the proposed draft ordinance, including all agricultural land conflicts and uses, to offer their recommendation, then to present the recommendation to the Planning and Zoning Board for a Public Hearing and their recommendation before returning to the Commission for a Public Hearing and Board approval. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc